

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

KENNETH WAYNE PACE,
 Petitioner

v.

WARDEN,
 Respondent.

)
)
)
)
)
)
)

Civil Action No. 7:13cv00171

ORDER

By: Norman K. Moon
United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby ordered that respondent's motion to dismiss (Docket No. 8) is **GRANTED**; the above referenced 28 U.S.C. § 2254 petition is **DISMISSED**; and this action is **STRICKEN** from the active docket of the court.

Further, finding that Pace has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to petitioner and counsel for respondent.

ENTER: This 9th day of August, 2013.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE